

NEW RIGHTS ADMINISTRATION AGREEMENT



What changes have been made in the Rights Administration Agreement?

The main changes are:

- Break down between the rights administration agreement and the General Terms and Conditions (GTC)
- Limitations in the rights administration obligation
- Electronic communications
- Particulars about the right-holder
- Deposited copies

General

The rights administration agreement is the most important tie between you and SUISA. The agreement has been revised to take into account the partial revision of the Federal Copyright Law and the latest developments and circumstances.

The rights administration agreement is not the only document with legal relevance for SUISA members. SUISA's Articles of Association also contain important provisions governing membership and the rights administration relationship.

The main changes

Break down between Rights Administration Agreement and General Terms and Conditions (GTC)

A significant change is the new break down between the rights administration agreement and the General Terms and Conditions.

The rights administration agreement has been streamlined and reduced to its essential components. It now only covers the assignment of rights and the exclusions in terms of groups of rights and countries. On the other hand, a new document containing the general terms and conditions for rights administration has been introduced. It contains the particulars and stipulates the reciprocal rights and obligations.

The advantage of this break down is that members' rights administration agreements no longer have to be renewed each time there is a change in administrative terms and conditions. SUISA will inform you in good time about any changes made in the GTC. **If you do not agree with the new terms and conditions**, you may **terminate** the agreement with 90 days' notice for effect on the date the new terms and conditions come into force.

New groupings of excluded rights

(Section C Rights Administration Agreement for Authors / Publishers; Section D Rights Administration Agreement for Heirs)

As hitherto, individual rights may continue to be excluded from collective administration by SUISA. For technical reasons, exclusions may only be made as a "package", in accordance with Section C of the rights administration agreement. The following groups of rights may be excluded under the new agreement:

- a. Performance rights
- b. Broadcasting and rebroadcasting rights
- c. Online rights
- d. Mechanical rights

Henceforth, no other rights may be excluded. If, under your old agreement, you excluded rights that can no longer be separately excluded, SUISA will consider itself mandated to manage those rights once you sign the new agreement. Another significant change is the separation of online rights from the group of mechanical rights.

The practical procedure for excluding rights is explained in the Notes on the back page of the accompanying letter.

NB. Excluding a group of rights means that you have to administer those rights worldwide yourself. In other words, you will have to monitor the whole worldwide market, or instruct a sister society to manage those rights on your behalf.

Limitations in the rights administration obligation (points 3.9 and 4.3 GTC)

By signing the rights administration agreement, you are instructing SUISA to manage important copyright assets in Switzerland and abroad on a fiduciary basis for your account. SUISA uses its best efforts to administer the rights assigned to it as comprehensively as possible. For cost considerations, however, SUISA cannot guarantee absolute market coverage and/or enforcement.

In other countries, your rights are managed by sister societies. Each sister society determines its own operating rules and practice. This is why SUISA cannot guarantee absolute coverage. But here too, SUISA does its utmost to assure you comprehensive rights administration.

Electronic communications and new data protection rules (points 5 and 6.3 GTC)

The previous agreement did not regulate electronic communications because they were not relevant when it was last revised. Today, email and internet communications have generally replaced letters as a means of correspondence. Accordingly, email communications and online services, which are common practice today, have been included in the new agreement. In the restricted "My Account" members' area of SUISA's website, new services are continuously offered. If you do not have access to this area yet, you can order your personal login code here: www.suisa.ch/my-account/

With the generalisation of electronic communications and online services, new data protection provisions have had to be introduced; these are supplemented by a separate privacy and data protection statement which you will find on our website.

Right-holders (points 6.1 and 10.2 GTC)

When they move, members regularly forget to notify us of their new address; they also forget to change their payment instructions when they transfer their accounts to another bank. This leads to additional administrative costs and makes it difficult for SUISA to perform its contractual duties. If SUISA no longer has a valid address, its obligation to issue royalty statements and make distribution payments is suspended. SUISA is not obligated to undertake investigations to find a new address.

If, for five years, SUISA does not have a valid account, the rights' administration agreement shall automatically expire (i.e. without termination notice) at the next end of year. The royalties owing to you will be set aside for a further 5 years after which they shall vest with SUISA.

Therefore, it is important that you communicate your new address and/or account particulars each time you move or change banks.

Deposited copies (point 6.2 GTC)

SUISA will henceforth no longer ask you to send a copy of the work together with the relevant works declaration. The costs of managing the deposited copies are not justified. Disputes seldom occur and, when they do, there are other ways of establishing

authorship. Copies should only be sent with regard to arrangements of unprotected works or at SUISA's specific request.

Questions?

Fact sheets, FAQs and video instructions are available on our website at www.suisa.ch/adminagreement.

Our Members' Department is at your disposal for any further information or inquiries.

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